

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: DIGITEK
PRODUCTS LIABILITY LITIGATION**

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF K. CAMP BAILEY FOR APPOINTMENT
TO THE PLAINTIFFS' STEERING COMMITTEE**

Please consider this, my Application for Appointment to the Plaintiffs' Steering Committee serving the *In Re: Digitek Products Liability Litigation* MDL.

I am a partner in the law firm of Bailey Perrin Bailey of Houston, Texas. My firm focuses almost exclusively on nationwide, mass tort pharmaceutical litigation. Over the past decades, our lawyers have successfully represented tens of thousands of Plaintiffs injured by defective drugs and other products. My firm has been heavily involved in this litigation since its inception, and has already dedicated substantial financial and legal resources in support. I am willing and committed to serve on this committee, and will dedicate the necessary time, work, and resources needed to make this MDL a success.

My firm has a long history of working cooperatively in numerous other complex cases with many of the law firms involved here. Already in this matter, we were able to work with other Plaintiffs' counsel to file the first Digitek case before this Court, assist with the submissions and arguments in favor of transfer to this Court before the JPML, and have been active participants in all of the organizational and substantive meetings among Plaintiffs' counsel in this litigation to date. I attended the initial status conference

before this Court on October 10, 2008, and I am committed to staying engaged in future interactions in this matter. I have spent personal time with both liaison counsels, and proposed lead counsels, for Plaintiffs since this matter began, and feel confident that I will be able to assist and collaborate with them in an efficient, effective, and successful manner.

Over the past year, my firm has formally served Federal MDLs in both *In re: Zyprexa Products Liability Litigation*; MDL No. 1596, pending in the Eastern District of New York, Honorable Jack B. Weinstein, presiding, and *In re: Seroquel Products Liability Litigation*; MDL No. 1769, pending in the Middle District of Florida, Honorable Anne C. Conway, presiding, and has taken a leading oar in steering many other nationwide pharmaceutical projects where formal PSCs have not been appointed. I have personally served as Plaintiffs' Co-Lead Counsel in the Seroquel MDL, which has involved the responsibility of managing and coordinating over 15,000 cases pending in the Federal District Court in Florida, and State courts in Delaware, New Jersey, New York, and Missouri. Through my experience as lead counsel, I have learned that congeniality and integrity are absolutely required to maintain the balance of divergent interests among the many factions involved in a coordinated, Federal / State complex litigation. I concur with the Court that unprofessional, "Rambo" litigation styles have no place in already complex, difficult litigations such as this.

I am a member of "Generation X" that has grown up actively using computers and technology, and consider myself relatively sophisticated technology-wise. I have been personally involved with many electronic discovery issues and disputes in cases such as

this, and believe I can lend additional perspective and assistance to the PSC in these regards.

My firm currently represents a very substantial number of Digitek clients that we intend to actively represent. We have cases currently filed before this Court, and intend to file many more in the future as the circumstances of each case dictate. It is very important to us that we are allowed the opportunity to be directly involved in helping shape and steer this litigation so important to our many clients. I can assure this Court and future members of the PSC that my firm will dedicate the necessary resources, cooperation and assistance necessary to bring this MDL to a successful resolution. I hope this application is favorably considered by this Honorable Court.

Respectfully Submitted,

/s/ K. Camp Bailey
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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2008 a true copy of the foregoing Application of K. Camp Bailey for Appointment to the Plaintiffs' Steering Committee was filed and transmitted to all registered counsel of record through the Court's CM /ECF system.

/s/ K. Camp Bailey
K. Camp Bailey